BMC 15.40 Burien Building and Property Maintenance Code

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15.40.010 Short title.

These regulations shall be known as the Burien Building & Property Maintenance Code, hereinafter referred to as "this code."

15.40.015 Scope.

The provisions of this code shall be construed and shall be applied to be consistent with the authority and provisions of Chapter 35.80 RCW and shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for the safe and sanitary maintenance of such structures, premises, equipment, and facilities; for the responsibility of owners, operators and occupants; for the occupancy of existing structures and premises; and for administration, enforcement and penalties.

15.40.020 Intent.

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

15.40.025 Severability.

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

15.40.030 Applicability.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

15.40.035 Maintenance.

Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

15.40.040 Application of other codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Burien Municipal Code. Nothing in this code shall be construed to cancel, modify or set aside any other provisions of the Burien Municipal Code.

15.40.045 Existing remedies.

The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

15.40.050 Workmanship.

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

15.40.055 Historic buildings.

The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings as defined in the International Existing Building Code when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

15.40.060 Referenced codes and standards.

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

15.40.065 Requirements not covered by code.

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

15.40.070 Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

15.40.075 Other laws.

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

15.40.080 Duties and power of the code official.

- (1) **General.** The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.
- (2) **Appointment.** The code official shall be appointed by the chief appointing authority of the jurisdiction.
- (3) **Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the code official.
- (4) **Liability.** The code official, hearing examiner, or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings.

The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

- (5) **Inspections.** The code official is authorized to make all of the required inspections, or accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
- (6) **Initial Inspection and Enforcement.** An initial enforcement determination shall be undertaken against buildings or properties whenever the code official has reason to believe that a violation of this code exists; or a complaint is filed with the department by any person, provided that where complaints have been filed by tenants, the tenant first shall exhaust all remedies provided through the Washington State Landlord Tenant Act, unless circumstances exist that give evidence of an immediate life safety or health condition that warrants an immediate response by the department.
- (7) **Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.
- (8) **Identification.** The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.
- (9) **Notices and orders.** The code official is authorized to issue all necessary notices or orders to ensure compliance with this code.
- (10) **Department records.** The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

15.40.085 Fees.

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as adopted by the Burien city council.

15.40.090 Approvals.

(1) **Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided the code official shall first find that special individual reason makes the strict letter of this code

impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

- (2) Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved and complies with all other codes adopted by the city of Burien. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.
- (3) **Required testing.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.
- (4) **Test methods.** Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.
- (5) **Test reports.** Reports of tests shall be retained by the code official for the period required for retention of public records.
- (6) **Used material and equipment.** The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the code official.
- (7) **Approved materials and equipment.** Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.
- (8) **Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

15.40.095 Violations and penalties.

- (1) **Unlawful acts.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code. Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with or removed without authorization from the code official.
- (2) **Notice of violation.** The code official is authorized to serve a notice of violation or order in accordance with BMC 8.45.035.
- (3) **Enforcement of violation.** If the notice of violation is not complied with in the time prescribed by such notice, the code official is authorized to request the legal counsel of the city

to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. The code official is authorized to enforce violations of this chapter and the codes referenced herein under Chapter 8.45 BMC.

- (4) **Penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed by this section.
 - (a) **Civil Violation.** Except as otherwise provided in this title, any violation of any of the provisions of this title shall constitute a civil infraction for which a monetary penalty in an amount not to exceed \$5,000 may be imposed.
 - (b) Criminal Penalty. In addition to or as an alternative to any other penalty provided herein or by any other regulation, any person, partnership, firm, association, or corporation who violates any provision of this chapter shall be guilty of a misdemeanor and shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than 90 days or by a fine in an amount fixed by the court of not more than \$1,000 or by both such imprisonment and fine.
 - (c) **Separate Offense.** Each day or portion thereof upon which a violation occurs, continues, or is permitted shall constitute a separate offense for the purposes of subsections (a) and (b) of this section.

Failure to correct a civil violation in a manner and within the time frame specified by the administrative notice of violation subjects the person(s) responsible for code compliance to additional civil penalties as set forth in BMC 8.45.040(5), (6), and (7).

- (5) **Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.
- (6) **Remedies Cost Recovery**. In addition to other remedies, the cost of pursuing code compliance and abatement incurred to correct a code violation shall be in accordance with BMC 8.45.35 (12).

15.40.100 Voluntary correction.

- (1) **Applicability.** While it is the city's desire to obtain voluntary correction pursuant to this section, compliance herewith is not a prerequisite for pursuing any of the other remedies for correction in this chapter, or any remedies available in law or equity. This section may apply whenever the applicable department director determines that a nuisance has occurred or is occurring.
- (2) **General.** The applicable department director may attempt to secure voluntary correction by contacting the person responsible for the nuisance and, where possible, explaining the violation and requesting correction.

- (3) **Issuance of Voluntary Correction Agreement**. A voluntary correction agreement may be entered into between the person responsible for the violation and the city, acting through the applicable department director.
 - (a) **Content.** The voluntary correction agreement is a contract between the city and the person responsible for the violation under which such person agrees to abate the violation within a specified time and according to specified conditions. The voluntary correction agreement shall include the following:
 - (i.) The name and address of the person responsible for the violation; and
 - (ii.) The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and
 - (iii.) A description of the violation and a reference to the regulation which has been violated; and
 - (iv.) The necessary corrective action to be taken, and a date or time by which correction must be completed; and
 - (v.) An agreement by the person responsible for the violation that the city may inspect the premises as may be necessary to determine compliance with the voluntary correction agreement; and
 - (vi.) An agreement by the person responsible for the violation that the city may abate the violation and recover its costs and expenses (including attorney fees, expert witness fees, and court costs) and/or a monetary penalty pursuant to this chapter from the person responsible for the violation if the terms of the voluntary correction agreement are not satisfied; and
 - (vii.) An agreement that by entering into the voluntary correction agreement, the person responsible for the violation waives the right to a hearing before the district court under this chapter or otherwise, regarding the matter of the violation and/or the required corrective action.
 - (b) **Right to a Hearing Waived.** Upon entering into a voluntary correction agreement, the person responsible for the violation shall have no right to a hearing before the district court under this chapter or otherwise, regarding the matter of the violation and/or the required corrective action.
 - (c) Extension and Modification. An extension of the time limit for correction or a modification of the required corrective action may be granted by the applicable department director if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation, but unforeseen circumstances delay correction under the original conditions.
 - (d) **Abatement by the city.** The city may abate the violation in accordance with BMC 8.45.060 if the terms of the voluntary correction agreement are not met.

(e) **Collection of Costs.** If the terms of the voluntary correction agreement are not met the person responsible for the violation shall be assessed a monetary penalty commencing on the date set for correction and thereafter, in accordance with BMC 8.45.040(5), plus all costs and expenses of abatement, as set forth in BMC 8.45.060(4).

15.40.105 Notices and orders.

(1) **Notice to person responsible.** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in BMC 8.45.035(2) to the person responsible for the violation as specified in this code.

A copy of such notice shall also be filed with the County auditor, and such filing of the notice or order shall have the same force and effect as other lis pendens notices provided by law.

- (2) **Method of service.** A notice of violation shall be served in accordance with BMC 8.45.035(3). Such notice shall be deemed to be properly served if a copy thereof is:
 - (a) Delivered personally;
 - (b) Sent by certified or first-class mail with return receipt requested, addressed to the last known address; or
 - (c) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.
- (3) **Unauthorized tampering.** Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.
- (4) **Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in BMC 15.40.095 (4).
- (5) **Transfer of ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

15.40.110 Unsafe structures and equipment.

- (1) **General.** When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, the code official is authorized to condemn the structure pursuant to the provisions of this code.
- (2) **Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- (3) **Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
- (4) **Structure unfit for human occupancy.** A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
- (5) **Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.
- (6) **Dangerous structure or premises.** For the purpose of this code, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous:
 - (a) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
 - (b) The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
 - (c) Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
 - (d) Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored,

- attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
- (e) The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
- (f) The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
- (g) The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
- (h) Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
- (i) A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- (j) Any building or structure, because of a lack of sufficient or proper fire-resistancerated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
- (k) Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.
- (7) **Drug Properties and Structures.** It is hereby declared that any building, structure and/or associated property wherein or upon which the manufacture, distribution, production or storage of illegal drugs or the precursors to create illegal drugs has taken place in a manner which could endanger the public, such building, structure and/or associated property is not only a dangerous property but is also of a classification of property calling for the special procedures set forth in this section. The building official is authorized to abate such dangerous

buildings, structures and/or associated properties in accordance with the dangerous building procedures set forth in such code, with the following modifications:

- (a) Due to public safety hazard in drug-production facilities, the utilities shall be disconnected;
- (b) Building(s) and structures will be inspected to determine compliance with all city ordinances and codes;
- (c) Building(s) and any entry gates to the property will be secured against entry.
- (d) No reconnection of utilities or re-occupancy of the building(s), structures or property shall be allowed until all violations have been remedied, and all dangerous conditions abated to the satisfaction of the building official and a notice of release for re-occupancy has been received from the health department.

15.40.115 Closing of vacant structures.

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official is authorized to cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and such costs will be recoverable pursuant to BMC 8.45.060.

15.40.120 Standards for securing buildings.

To secure a building, all doors, window openings, or other openings on floors accessible from grade shall be closed and locked, or shuttered to prevent third party entry. If openings are damaged so they cannot be secured using normal building amenities, they shall be secured by covering with 7/16 inch minimum thickness structural panel cut to fit over the building opening and secured with #10 wood screws with fender washers. The screws shall penetrate the wood framing by a minimum of 1-1/4 inches and the screws shall be spaced around the perimeter of the opening at no less than 12 inches on center.

15.40.125 Authority to disconnect service utilities.

The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in BMC 15.40.060 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

15.40.130 Notice.

Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice, and served on the owner or the person or persons responsible for the structure or equipment in accordance with BMC 15.40.105. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in BMC 15.40.125.

15.40.135 Placarding.

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official is authorized to post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

15.40.140 Placard removal.

The code official is authorized to remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

15.40.145 Prohibited occupancy.

Any occupied structure condemned and placarded by the code official is authorized to be vacated as ordered by the code official. Any person who shall occupy a placarded premise or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment shall be liable for the penalties provided by this code.

15.40.150 Abatement methods.

The owner, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action as determined by the code official.

15.40.155 Record.

The code official shall have the authority to cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

15.40.160 Emergency Measures.

(1) Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is

hereby authorized and empowered to order and require the occupants to vacate the premises forthwith.

The code official is authorized to cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

- (2) **Temporary safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official is authorized to order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and is authorized to cause such other action to be taken as the code official deems necessary to meet such emergency.
- (3) **Closing streets.** When necessary for public safety, the code official is authorized to temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.
- (4) **Emergency repairs.** For the purposes of this section, the code official is authorized to employ the necessary labor and materials to perform the required work as expeditiously as possible.
- (5) **Costs of emergency repairs.** Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction is authorized to institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.
- (6) **Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Hearings Examiner, be afforded a hearing as described in this code

15.40.165 Demolition.

(1) **General.** The code official shall have the authority to order the owner of any premises upon which is located any structure, which in the code official judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official is authorized to order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

- (2) **Notices and orders.** All notices and orders shall comply with BMC 15.40.105.
- (3) **Failure to comply.** If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall have the authority to cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- (4) **Salvage materials.** When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

15.40.170 Means of appeal.

- (1) **General**. Appeals of final orders, decisions, or determinations made by the code official relative to the application and interpretation of the city of Burien Building and Property maintenance code may be appealed by the property owner or his/her agent to the hearing examiner, pursuant to Chapters 2.15 and 2.20 BMC, within 30 days of the issuance of the final order, decision or determination.
- (2) **Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this title or the rules adopted thereunder has been incorrectly interpreted, the provisions of this title do not fully apply, or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of this code.
- (3) **Participation in the appeal.** Only those parties who have appealed the code official's final order, decision or determination may participate in the appeal either or both of the following ways:
 - (a) By submitting written comments or testimony to the hearing examiner prior to commencement of the hearing; or
 - (b) By appearing in person, or through a representative at the hearing. The hearing examiner may reasonably limit the extent of oral testimony or oral argument to facilitate the orderly and timely conduct of the hearing.
- (4) **Decision on the appeal.** The hearing examiner shall consider all information and material within the scope of the appeal submitted by persons entitled to participate in the appeal. Based on the hearing's examiner's findings and conclusions, the hearing examiner may affirm, reverse or modify the order, decision or determination being appealed. The hearing examiner's decision on the appeal shall be issued within 90 days from the date the original appeal period closed, unless all parties to an appeal have agreed to an extended time period. Within four business days after it is issued, the hearing examiner's decision shall be mailed to

the applicant and to each person who has requested notice of the decision. The hearing examiner's final decision shall be the final decision of the city on the appeal and shall be conclusive unless proceedings for review of the decision are properly commenced in superior court within the time period specified by state law.

- (5) **Judicial review.** Any judicial appeal of the hearing examiner's decision shall be reviewed in King County superior court pursuant to Chapter 36.70C RCW, the Land Use Petition Act ("LUPA"). The land use petition must be filed within twenty-one calendar days of the issuance of the hearing examiner's decision.
- (6) **Records and copies.** The decision of the Hearings Examiner shall be recorded. Copies shall be furnished to the appellant and to the code official.
- (7) **Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.
- (8) **Stays of enforcement.** Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Hearings Examiner.

15.40.175 City performance of work of demolition or repair, and recovery of costs.

If the owner or party in interest following exhaustion of the rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building, structure, or premises, the code official may direct or cause such dwelling, building, structure, or premises to be repaired, altered, improved, vacated, and closed, removed, or demolished.

The amount of the cost of such repairs, alterations or improvements; or vacating and closing; or removal or demolition by the building official, is authorized to be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Upon certification by the city of the city of the assessment amount being due and owing, the county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in Revised Code of Washington 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the general fund of the city. If the dwelling, building, structure, or premises is removed or demolished by the city, the city is authorized to, if possible, sell the materials of such dwelling, building, structure, [or] premises, and shall credit the proceeds of such sale against the cost of the removal or demolition and if there by any balance remaining, it shall be paid to the parties entitled thereto, as determined by the city, after deducting the costs incident thereto.

The assessment shall constitute a lien against the property which shall be of equal rank with state, county and municipal taxes.

15.40.180 Stop work order.

- (1) **Authority.** Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order. Issuance of a notice of violation, infraction or notice and order is not a condition precedent to the issuance of the stop work order.
- (2) **Issuance.** A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.
- (3) **Emergencies.** Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

(4) Effect.

- (a) The code official is authorized to assess a special investigation fee for the issuance of a stop work order when work has started without the issuance of a permit. The special investigation fee shall be determined in accordance with BMC 15.05.375 (5), work commencing before permit issuance.
- (b) A stop work order represents a determination that a civil code violation has occurred and that any work or activity that is causing or contributing to the violation on the property where the violation has occurred or is occurring must cease.
- (c) A stop work order requires the immediate cessation of the specified work or activity on the named property. Work or activity may not resume unless specifically authorized by the building official or designee.
- (d) A stop work order may be appealed to the city of Burien hearings examiner according to the procedures prescribed by BMC 15.40.170, Appeals.
- (e) Failure to appeal the stop work order within the applicable time limits renders the stop work order a final determination that the civil code violation occurred and that work was properly ordered to cease.
- (f) Failure to comply with the terms of a stop work order subjects the person responsible for code compliance to civil penalties and costs.
- (5) **Remedy Civil penalties.** Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.
 - (a) In addition to any other judicial or administrative remedy, the code official or designee may assess penalties for the violation of any stop work order as set forth in BMC 15.40.095(4), Penalties.

- (b) Penalties for the violation of any stop work order shall begin to accrue on the first day the stop work order is violated and shall cease on the day the work is actually stopped.
- (c) Violation of a stop work order shall be a separate violation from any other civil code violation. Civil penalties assessed create a joint and several personal obligations in all persons responsible for code violation. The city of Burien may collect the civil penalties assessed by any appropriate legal means.
- (d) In addition to all other remedies, a lien for the value of the civil penalties imposed may be filed against the real property that is subject to compliance with Title 15 of the Burien Municipal Code.

15.40.185 Definitions.

- (1) **Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown herein.
- (2) **Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.
- (3) **Terms defined in other codes.** Where terms are not defined in this code and are defined in the International Building Code, International Residential Code, International Fire Code, International Zoning Code, Uniform Plumbing Code, International Mechanical Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.
- (4) **Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.
- (5) **Parts.** Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."
- (6) General Definitions.

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Approved by the code official.

ATTRACTIVE NUISANCE. Any attractive nuisance which may prove detrimental to children whether in or on a building, on the premises of a building, or upon an unoccupied lot, which is left in any place exposed or accessible to children. This includes unused or abandoned refrigerators, freezers, or other large appliances or equipment or any parts thereof; abandoned motor vehicles; any structurally unsound or unsafe fence or edifice; any unsecured or abandoned excavation, pit, well, cistern, storage tank or shaft; and any lumber, trash, debris or vegetation which may prove a hazard for minors

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC BUILDING. Any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Register of Historic Places either individually or as a contributing building

to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

POTENTIAL VERMIN HABITAT OR FIRE HAZARD. Any accumulation of material on a property including, but not limited to, animal matter, ashes, bottles, boxes, broken stone, building materials which are not properly stored or neatly piled, cans, cement, crates, empty barrels, dead animals or animal waste, glass, litter, mattresses or bedding, old appliances or equipment or any parts thereof, furniture, iron or other scrap metal, packing cases, packing material, plaster, plastic, rags, wire, yard waste or debris or other objects which endanger property or public safety, or constitute a fire hazard or vermin habitat; provided, that nothing herein shall prevent the temporary retention of waste in approved, covered receptacles.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

RECREATIONAL VEHICLE. A portable structure such as a motor home, travel trailer, park model trailer, or equivalent facilities in or on an automotive vehicle, tent, or other short-term recreational shelter designed as a temporary dwelling for travel, recreation and vacation uses.

REFUSE. Garbage, trash or any other item that is disregarded or thrown away, and shall also include recyclable materials and solid wastes.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

TRASH COVERED PREMISES. Any premises containing trash or abandoned materials, except that kept in garbage cans or containers with lids maintained for regular collection/removal.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

15.40.190 General requirements.

- (1) **Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this code. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.
- (2) **Vacant structures and land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

15.40.195 Exterior property areas.

- (1) **Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition in accordance with this code and the provision of Chapter 8.45 BMC. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
- (2) **Grading and drainage.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

- (3) **Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- (4) **Vegetation.** Vegetation as defined in BMC 8.45.020 is regulated under Chapter 8.45 BMC.
- (5) **Potential Vermin Habitat.** All structures and exterior property shall be kept free from potential vermin habitat and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.
- (6) **Exhaust vents.** Clearances to property lines and openings into a building prescribed in the adopted codes and standards applicable to the installation of pipes, ducts, conductors, fans or blowers shall be maintained.
- (7) **Accessory structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
- (8) **Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair. Graffiti removal shall be in accordance with Chapter 8.55 BMC.

- **15.40.200 Motor vehicles.** The following city codes shall be applicable to motor vehicles on private property. Enforcement shall be in accordance with Chapter 8.45 BMC.
 - (1) Nuisance, Junk Vehicle(s): BMC 8.45.020(9)(c)(iv).
 - (2) Parking on Residential Property: Chapter 10.11 BMC.
 - (3) Off Street Parking Design Standards: BMC 19.20.100(10(B).
 - (4) Critical Area Aquifer Recharge Areas-Performance Standards Vehicle Repair and Servicing: BMC 19.40.430(6)(G).

15.40.205 Recreational vehicles or other vehicles.

No recreational vehicle or other vehicles shall be used for the purpose of living, sleeping, cooking or any similar use while parked on public or private property except where permitted by the land use and zoning codes in an approved Recreational Vehicle Park.

15.40.210 Cargo containers and semi trailers.

(1) Except as permitted by city of Burien land use and zoning codes, cargo containers shall not be permitted to be used as storage buildings. Cargo containers which are permitted by the

land use and zoning code to be used as storage buildings shall be provided with a foundation system that provides adequate clearance from the ground to prevent deterioration and shall be provided with an anchorage system to prevent sliding or overturning by wind or seismic forces prescribed by the building code.

(2) Semi trailers shall not be used as storage buildings.

15.40.215 Swimming pools, spas, and hot tubs.

- (1) **Swimming pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.
- (2) Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

15.40.220 Exterior structure.

- (1) **General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
- (2) **Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:
 - (a) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
 - (b) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
 - (c) Structures or components thereof that have reached their limit state;
 - (d) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
 - (e) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;

- (f) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- (g) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- (h) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
- (i) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
- (j) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- (k) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- (I) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
- (m) Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

- 1. When substantiated otherwise by an approved method.
- 2. Demolition of unsafe conditions shall be permitted when approved by the code official.
- (3) **Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

(4) **Premises identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm)

Exception: Buildings constructed under the International Residential Code, prior to July 1, 2010 are permitted to have an existing address number size be a minimum of 3" high.

- (5) **Structural members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (6) **Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
- (7) **Exterior walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- (8) **Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be intentionally discharged directly onto any other private property,, public right of way or in a manner that creates a public nuisance.
- (9) **Decorative features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (10) **Overhang extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (11) **Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- (12) **Chimneys and towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
- (13) **Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

- (14) **Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
- (15) **Glazing.** All glazing materials shall be maintained free from cracks and holes.
- (16) **Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
- (17) **Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.
- (18) **Building security.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

15.40.225 Interior structure.

- (1) **General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.
- (2) **Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code, the International Residential Code or the International Existing Building Code as required for existing buildings:
 - (a) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
 - (b) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
 - (c) Structures or components thereof that have reached their limit state;
 - (d) Structural members are incapable of supporting nominal loads and load effects;
 - (e) Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
 - (f) Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.

- 2. Demolition of unsafe conditions shall be permitted when approved by the code official.
- (3) **Structural members.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.
- (4) **Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood, mold and other defective surface conditions shall be corrected.
- (5) **Stairs and walking surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.
- (6) **Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (7) **Interior doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

15.40.230 Component serviceability.

- (1) **General.** The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.
- (2) **Unsafe conditions.** Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code as required for existing buildings:
 - (a) Soils that have been subjected to any of the following conditions:
 - (i.) Collapse of footing or foundation system;
 - (ii.) Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - (iii.) Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - (iv.) Inadequate soil as determined by a geotechnical investigation;
 - (v.) Where the allowable bearing capacity of the soil is in doubt; or
 - (vi.) Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
 - (b) Concrete that has been subjected to any of the following conditions:
 - (i.) Deterioration;
 - (ii.) Ultimate deformation;

		(iii.)	Fractures;	
		(iv.)	Fissures;	
		(v.)	Spalling;	
		(vi.)	Exposed reinforcement; or	
		(vii.)	Detached, dislodged or failing connections.	
(c)	(c)	Alumini	um that has been subjected to any of the following conditions	
		(i.)	Deterioration;	
		(ii.)	Corrosion;	
		(iii.)	Elastic deformation;	
		(iv.)	Ultimate deformation;	
		(v.)	Stress or strain cracks;	
		(vi.)	Joint fatigue; or	
		(vii.)	Detached, dislodged or failing connections.	
(c	(d)	Masonry that has been subjected to any of the following conditions:		
		(i.)	Deterioration;	
		(ii.)	Ultimate deformation;	
		(iii.)	Fractures in masonry or mortar joints;	
		(iv.)	Fissures in masonry or mortar joints;	
		(v.)	Spalling;	
		(vi.)	Exposed reinforcement; or	
		(vii.)	Detached, dislodged or failing connections.	
(e		Steel th	at has been subjected to any of the following conditions:	
		(i.)	Deterioration;	
		(ii.)	Elastic deformation;	
		(iii.)	Ultimate deformation;	
		(iv.)	Metal fatigue; or	
		(v.)	Detached, dislodged or failing connections.	
(f)	(f)	Wood t	hat has been subjected to any of the following conditions:	
		(i.)	Ultimate deformation;	
		(ii.)	Deterioration;	
		(iii.)	Damage from insects, rodents and other vermin;	

- (iv.) Fire damage beyond charring;
- (v.) Significant splits and checks;
- (vi.) Horizontal shear cracks;
- (vii.) Vertical shear cracks;
- (viii.) Inadequate support;
- (ix.) Detached, dislodged or failing connections; or
- (x.) Excessive cutting and notching.

Exceptions:

- 1. When substantiated otherwise by an approved method.
- 2. Demolition of unsafe conditions shall be permitted when approved by the code official.

15.40.235 Handrails and guardrails.

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than thirty-four inches high or more than thirty-eight inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces

Guards shall not be less than thirty-six inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface for one or two family residences and town homes, and forty-two inches high for all other occupancies.

Exception: Guards shall not be required where exempted by the adopted building code.

15.40.240 Rubbish and garbage

- (1) **Accumulation of rubbish or garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.
- (2) **Disposal of refuse and recyclable materials.** Every occupant of a structure shall dispose of refuse and recyclable materials in a clean and sanitary manner by placing such materials in an approved disposal facility or approved containers maintained for regular collection.
- (3) **Containers.** Containers for the purpose of collecting refuse shall provide adequate storage capacity to assure that all refuse is totally contained. All refuse shall be contained at all times. The number of refuse containers and the collection frequency of these containers shall be determined by the property owner, landlord or the individual/s who are in control of the use of the property. The code official may require additional containers, larger containers or more frequent collection of all refuse, and if all refuse is not kept within the containers.

Any refuse that is not contained shall constitute a nuisance and the code official is authorized to abate the nuisance in accordance with the Chapter 8.45 BMC.

The city is authorized to recover all costs and expenses from the property owner in accordance with BMC 8.45.060.

- (4) **Recyclable materials and solid waste storage.** Space required by WAC 51-50-009 for the storage of recycled materials and solid waste shall be maintained to meet the needs of the occupancy, efficiency of pickup, and shall be available to occupants and haulers.
- (5) **Refrigerators.** Refrigerators, freezers and similar equipment not in operation shall not be discarded, abandoned or stored on premises and are defined as an attractive nuisance as set forth in BMC 8.45.020.

15.40.245 Pest Elimination.

- (1) **Infestation.** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.
- (2) **Owner.** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
- (3) **Single occupant.** The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.
- (4) **Multiple occupancy.** The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for extermination.
- (5) **Occupant.** The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

15.40.250 Light and ventilation.

- (1) **Responsibility.** The owner of the structure shall provide and maintain light, ventilation in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.
- (2) **Alternative devices.** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Burien Construction Codes shall be permitted.

(3) Light

(a) Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exceptions:

- 1. Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m2). The exterior glazing area shall be based on the total floor area being served.
- 2. The glazed areas need not be installed in rooms where an emergency rescue and escape opening is not required and artificial light is provided capable of producing an average illumination of 6 foot-candles (65 lux) over the area of the room at a height of 30 inches (762 mm) above the floor level.
- (b) Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m2) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot candle (11 lux) at floors, landings and treads.
- (c) **Other spaces.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

(4) Ventilation.

(a) Habitable spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in BMC 15.40.250 (3).

Exceptions:

1. Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m2). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

- 2. The glazed areas need not be openable where an emergency rescue and escape opening is not required and an approved mechanical ventilation system capable of producing 0.35 air change per hour in the room is installed or a whole-house mechanical ventilation system is installed capable of supplying outdoor ventilation air of 15 cubic feet per minute (cfm) (78 L/s) per occupant computed on the basis of two occupants for the first bedroom and one occupant for each additional bedroom.
- (b) Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by BMC 15.40.250(4)(a), except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.
- (c) **Cooking facilities.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

- 1. Where specifically approved in writing by the code official.
- 2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.
- (d) **Process ventilation.** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.
- (e) **Clothes dryer exhaust.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and labeled condensing (ductless) clothes dryers.

15.40.255 Occupancy limitations.

- (1) **Responsibility.** The owner of the structure shall provide and maintain space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.
- (2) **Privacy.** Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.
- (3) **Minimum room widths.** A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

(4) **Minimum ceiling heights.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

- 1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required are ceiling height.
- Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
- 3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.
- (5) **Bedroom and living room requirements.** Every bedroom and living room shall comply with the following requirements:
 - (a) **Room area**. Every living room shall contain at least 120 square feet (11.2m2) and every bedroom shall contain at least 70 square feet (6.5 m2).
 - (b) Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

- (c) Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- (d) **Prohibited occupancy**. Kitchens and non-habitable spaces shall not be used for sleeping purposes.
- (e) Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and waterheating facilities requirements of BMC 15.40.260 and 15.40.265; the heating facilities and electrical receptacle requirements of BMC 15.40.285; and the smoke alarm and emergency escape requirements of BMC 15.40.295.
- (6) **Overcrowding.** The number of persons occupying a dwelling unit shall be in conformance with occupancy limits established in the adopted construction codes and land

use/zoning codes and shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

- (7) **Efficiency unit.** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:
 - (a) A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m2). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m2). These required areas shall be exclusive of the areas required by Items 2 and 3.
 - (b) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
 - (c) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
 - (d) The maximum number of occupants shall be three.
- (8) **Food preparation.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

15.40.260 Plumbing facilities and fixture requirements.

- (1) **Scope.** The provisions of this section shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided in existing structures.
- (2) **Responsibility.** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this section.
- (3) **Number and Type of Fixtures.** Plumbing fixtures shall be provided and maintained in the quantity and location as required under the building and plumbing codes in existence at the time the occupancy was first approved by the jurisdiction unless subsequently approved to be relocated or removed under an approved permit.
- (4) **Dwelling units.** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.
- (5) **Rooming houses.** At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

- (6) **Hotels.** Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.
- (7) **Employees' facilities.** A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.
- (8) **Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.
- (9) **Public toilet facilities.** Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the Uniform Plumbing Code as adopted in BMC 15.10.120. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.
- (10) **Toilet Rooms.** Toilet rooms shall comply with the following requirements:
 - (a) **Privacy.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.
 - (b) **Location.** Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.
 - (c) Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

(d) **Floor surface.** In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

15.40.265 Plumbing systems and fixtures.

(1) **General.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

- (2) **Fixture clearances.** Plumbing fixtures shall have adequate clearances for usage and cleaning.
- (3) **Plumbing system hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

15.40.270 Water system.

- (1) **General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Chapter 15.10 BMC.
- (2) **Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.
- (3) **Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.
- (4) Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, except where allowed in Chapter 15.10 BMC. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

15.40.275 Sanitary drainage system.

- (1) **General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
- (2) **Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.
- (3) **Grease interceptors.** Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an approved interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the code official.

15.40.280 Storm drainage.

- (1) **General.** Drainage of roofs, paved areas, yards, courts, and other open areas on the premises shall be discharged in a manner consistent with the requirements of the Burien Municipal Code and shall not be discharged in a manner that creates a public nuisance.
- (2) **Private Property Drainage.** Drainage from roof, paved areas, yards, or courts shall not be intentionally discharged directly onto any other private property or public Right of Way.

16.40.285 Mechanical and electrical requirements.

- (1) **Scope.** The provisions of this section shall govern the minimum mechanical and electrical facilities and equipment to be provided.
- (2) **Responsibility.** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.
- (3) **Heating facilities.** Heating facilities shall be provided in structures as required by this section.
 - (a) **Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
 - (b) **Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.
 - (c) Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 68°F (20°C) during the period the spaces are occupied.

Exceptions:

- Processing, storage and operation areas that require cooling or special temperature conditions.
- 2. Areas in which persons are primarily engaged in vigorous physical activities.
- (d) **Room temperature measurement.** The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.
- (4) **Mechanical equipment and appliances.** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed

and maintained in a safe working condition, and shall be capable of performing the intended function.

- (a) **Removal of combustion products.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.
 - **Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.
- (b) **Clearances.** All required clearances to combustible materials shall be maintained.
- (c) **Safety controls.** All safety controls for fuel-burning equipment shall be maintained in effective operation.
- (d) Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.
- (e) Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless labeled for such purpose and the installation is specifically approved by the city of Burien under an approved permit.
- (5) **Duct systems.** Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.
- (6) **Electrical facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section.
 - (a) Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with Chapter 15.10 BMC. Existing dwelling units shall be served by a three-wire, 120/240 volt, singlephase electrical service having a rating as required by the Electrical Code in effect at the time of construction but in no case shall the service rating be less than 60 amperes
 - (b) Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.
 - (c) Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water. Electrical equipment and wiring that have been submerged or exposed to water shall comply with the provisions of Title 15 of the Burien Municipal Code.
 - (d) Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and

equipment that have been exposed to fire. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire shall be replaced in accordance with the provisions of Chapter 15.10 BMC.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

- (e) **Installation.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner
- (f) Receptacles. Every habitable space in a dwelling shall contain receptacle outlets as required by the Electrical Code in effect at the time of installation or construction. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.
- (g) **Luminaires.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.
- (h) Extension Cords. Extension cords shall not be used for permanent wiring. Extension cords shall not extend from one room to another; be placed across a doorway; extend through a wall or partition; or be used in any area where such cord may be subject to physical damage.

15.40.290 Elevators, escalators and dumbwaiters.

- (1) **General.** Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the Washington State Department of Labor and Industries.
- (2) **Elevators.** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

15.40.295 Fire safety requirements.

(1) **Scope.** The provisions of this section shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

(2) **Responsibility.** The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

(3) Means of egress.

- (a) **General.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code as adopted in Chapter 15.20 BMC.
- (b) **Aisles.** The required width of aisles in accordance with the International Fire Code as adopted in Chapter 15.20 BMC shall be unobstructed.
- (c) Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code as adopted in Chapter 15.10 BMC or has been maintained in accordance with the code in effect at the time of construction, alteration, or change in use.
- (d) Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

(4) Fire-resistance ratings.

- (a) **Fire-resistance-rated assemblies.** The required fire-resistance-rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.
- (b) Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

(5) Fire protection systems.

(a) General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code as adopted in Chapter 15.20 BMC.

- (b) **Automatic sprinkler systems.** Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.
- (c) Smoke Alarms. Single- or multiple- station smoke alarms shall be installed and maintained in accordance with the International Fire Code as adopted in Chapter 15.20 BMC.

15.40.300 Referenced standards.

This section lists the standards that are referenced in Chapter 15.40 BMC. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in BMC 15.40.060.

ASME

American Society of Mechanical Engineers
Three Park Avenue
New York, NY 10016-5990
Standard reference number: A17.1/CSA B44—2007
Title: Safety Code for Elevators and Escalators
Referenced in BMC 15.40.290

ASTM

ASTM International 100 Barr Harbor Drive West Conshohocken, PA 19428-2959 Standard reference number: F1346—91 (2003)

Title: Performance Specifications for Safety Covers and Labeling Requirements for All Covers for

Swimming Pools, Spas and Hot Tubs

Referenced in BMC 15.40.210

NFPA

National Fire Protection Association 1 Batterymarch Park Quincy, MA 02269

Standard reference number: 25—08 Inspection

Title: Testing and Maintenance of Water-based Fire Protection Systems

Referenced in BMC 15.40.295